

**MINUTES**  
**UTAH**  
**MARRIAGE AND FAMILY THERAPIST**  
**LICENSING BOARD MEETING**

**December 15, 2011**

**Room 402 – 4<sup>th</sup> Floor – 9:00 A.M.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED:** 9:09 A.M.

**ADJOURNED:** 12:40 P.M.

**Bureau Manager:**  
**Board Secretary:**

Richard J. Oborn  
Lee Avery

**Board Members Present:**

Scot M. Allgood, Ph. D., Chairperson  
Veon G. Smith, DSW  
Alan Springer, Ph.D.  
Karen Feinauer

**Guests:**

Bob Stringham  
John Robbins, Argosy University

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The Board reviewed the minutes dated June 9, 2011. Dr. Springer motioned to approve the minutes, seconded by Mr. Smith. The motion carried unanimously.

**APPOINTMENTS:**

David Coombs, applicant for reinstatement, phone interview.

**Discussion:**

The Board reviewed Dr. Coombs application and the continuing education course documentation he completed for reinstatement of his marriage and family therapist license. The Board was unable to locate documentation regarding 3 hours of ethics directly related to marriage and family therapy.

Dr. Coombs's interview took place via telephone. Dr. Allgood conducted the interview. The Board expressed concerns regarding Dr. Coombs not completing at least 3 hours of CEs in ethics directly

related to marriage and family therapy. The Board noted that most ethics courses are for all mental health therapists; however, ethics courses directly related to marriage and family therapy deal with ethics related to treatment of couples, families, and groups. There are principles and rules that are important for marriage and family therapists to know. Dr. Coombs stated he felt this CE course included ethics directly related to marriage and family therapists. The Board encouraged Dr. Coombs to contact the course instructor for additional documentation showing that the CE course outline is specific to marriage and family therapy and to contact Utah Domestic Violence Council and see if they will share an outline of what was covered as well. The Board wants documentation that demonstrates that the course included training in ethics specific to marriage and family therapy. Mr. Oborn will draft a letter summarizing the Board's discussion. Dr. Allgood motioned to have Dr. Coombs submit documentation showing that he completed 2 hours of ethics specific to marriage and family therapy and the AAMFT code of ethics. Once the documentation is received, his license would be reinstated, seconded by Ms. Feinauer. The motion carried unanimously.

David Gardner, potential applicant for MFT relicensure

**Discussion:**

Dr. Springer motioned to close the Board meeting at 9:41 A.M. to discuss the character, professional competence, or physical or mental health of an individual, seconded by Ms. Feinauer. The motion carried unanimously. There were no written notes taken. There was no recording made. The Board meeting opened at 10:12 A.M.

Dr. Gardner and Dr. R.W. Stringham met with the Board. Dr. Allgood motioned to close the meeting at 10:13 A.M. to discuss the character, professional competence, or physical or mental health of an individual, seconded by Mr. Smith. The motion carried unanimously. There were no written notes taken. There was no recording made. The Board meeting opened at 10:50 A.M. Dr. Smith and Dr. Allgood noted they had a prior professional relationship with Dr. Gardner. The Board reviewed Dr. Gardner's criminal record to includes the following offenses:

1. *DUI on or about March 22, 1999;*
2. *DUI, theft, open container/drinking in or about in a vehicle on or about October 18, 2000;*
3. *Sexual battery, later amended to simple assault on or about April 25, 2007;*
4. *DUI on or about May 1, 2008;*
5. *Driving on suspended/revocation license, failure to register or expired registration, vehicle mirrors missing, ignition interlock violation on March 13, 2009; and*
6. *Public intoxication on May 12, 2010.*

The Board reviewed letters from Gale Stringham, Ph.D., R.W. Stringham, Ph.D., Christopher Fosdick, CRC, LVRC regarding the progress Dr. Gardner made in his recovery. The Board noted that Dr. Gardner's surrender agreement required him to obtain a complete comprehensive psychological evaluation conducted by a Division approved evaluator with the results sent to the Division. The Board advised Dr. Gardner that because he has a lot of history in Utah within the mental health profession, he will need to the evaluations are conducted by someone who is unbiased and does not know him. In addition, the Board and Division recommended that he obtain a comprehensive evaluation that would include a psychological, psychiatric, and chemical dependency evaluation completed by the same evaluator. The Board recommended that he obtain a comprehensive evaluation from PineGrove Behavioral Health and Addiction Services located in Hattiesburg, MS. Dr. Gardner expressed concern regarding the financial cost of traveling to PineGrove and completing an evaluation there. The Board noted that there could be other facilities that provide the same services that are closer to Utah; however, he would need to do the research and propose other facilities to the Board for consideration. Dr. Gardner would need to detail how this facility will provide all evaluations required and how the facility would be prepared to conduct an unbiased evaluation. The Board recommended Dr. Gardner wait a few years before he submits another application for relicensure to show a track record of no more criminal arrests/charges. The Board stated that Dr. Gardner would need to submit a current BCI record and an application for relicensure at that time. Dr. R.W. Stringham shared information about his

relationship with Dr. Gardner and the progress Dr. Gardner has made. Dr. Gardner was advised to contact Mr. Oborn if he has another facility for the Board to consider.

## **DISCUSSION:**

### **1. Investigation report, Dee Thorell**

DOPL Investigator, Ms. Thorell met with the Board and reviewed the DOPL complaint and investigation process. Ms. Thorell encouraged Board members to contact her or Mr. Oborn with complaints or concerns regarding marriage and family therapists.

### **2. Practice of biofeedback by non-psychologist**

Mr. Oborn informed the Board that LCSWs, LPCs and MFTs are practicing biofeedback. In reviewing the scope of practice for the above mental health therapists, the term biofeedback only appears in the definition of the practice of psychology. At this time, it is the Division's opinion that under Utah law, only psychologists can practice biofeedback, regardless of the training of an LCSW, LPC, or MFT. Mr. Oborn informed the Board that the Division will obtain further legal advice on the issue and that the legislature may take action on the issue

### **3. Proposal to amend experience requirement in rule:**

- a. To allow for 100 hours of face to face supervision to be completed via distance methods
- b. To allow for some of the 500 hours in couple or family therapy to be completed via distance methods

Mr. Oborn advised the Board that the association is proposing to amend the statute regarding 1,000 hours face to face supervision to be completed via distance methods and to allow for some of the 500 hours in couple or family therapy to be completed via distance methods. The Board reviewed 302 (b) (l) (e) in accordance with Subsection 58-60-305(1)(f), include a minimum of 1,000 hours of mental health therapy of which at least 500 hours are in couple or family therapy with two or more clients present. Mr. Smith motioned to add "at least one parent physically present", seconded by Dr. Allgood. The motion carried unanimously.

### **4. Can MFTs in process of becoming AAMFT approved supervisors be an "approved supervisor" for associate MFTs?**

The Board reviewed R156-60b 302(d) *(3) meet one of the following three options:*  
*(a) be currently approved by AAMFT as a marriage and family therapist supervisor;*  
*(b) have successfully completed a supervision course in a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited marriage and family therapy (MFT) program at an*

*accredited university; or  
(c)(i) have successfully completed 20 clock hours of instruction sponsored by AAMFT or the Utah Association for Marriage and Family Therapy (UAMFT).*

And

*R156-60b-302d (1) be licensed as a marriage and family therapist in good standing for not less than two years.*

The Board discussed the 2 year requirement, noting that this requirement indicates that a marriage and family therapist may complete the AAMFT supervision course after they have been licensed as a marriage and family therapist for at least 2 years and the course is a 2 year course. The Board noted that an AAMFT supervisor certification could take 4 years to obtain and questioned if this is the best way to help associates gain their supervision. Mr. Oborn noted that the statute would need to be changed.

5. Upcoming legislative session

Mr. Oborn reviewed upcoming legislation with the Board regarding the proposed changes with the substance abuse counselors.

6. Follow up on request to AMFTRB that they adopt a policy of releasing unofficial EMFT exam scores

Mr. Oborn stated he sent a letter to AMFTRB reflecting the Board's position requesting that the exam scores be released earlier. They replied that currently it is not financially feasible to release the exams early; however, their long term goal is to immediately release an unofficial score report to the candidate and the official score report later. AMFTRB hopes to be able to do this within the next few years.

7. Update regarding filling Board vacancy

Mr. Oborn stated that the Division submitted names to the Governor's Office to purpose as replacements for Dr. Soderquist on the licensing Board. The Division hopes to have someone appointed by the Governor by the next Board meeting.

**CORRESPONDENCE:**

None at this time.

**NEXT MEETING SCHEDULED FOR:**

March 15, 2012

**2012 Board meetings have been tentatively scheduled:**

March 15, June 14, September 13, December 13

**ADJOURN:**

The Board adjourned at 12:40 P.M.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

March 15, 2012  
Date Approved

(ss) Scott Allgood  
Chairperson, Utah Marriage and Family Therapist  
Licensing Board

March 15, 2012  
Date Approved

(ss) Richard J. Oborn  
Bureau Manager, Division of Occupational &  
Professional Licensing